

ENTERED

July 12, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

0.48 ACRE OF LAND, MORE OR LESS,
SITUATE IN CAMERON COUNTY, TEXAS,
AND ESTATE OF LUCIANO ORTIZ, *et al.*,
Defendants.

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CIVIL ACTION NO. 1:08-CV-196

**AGREED ORDER ESTABLISHING JUST COMPENSATION, GRANTING
POSSESSION, DISBURSING FUNDS ON DEPOSIT IN THE REGISTRY OF THE
COURT, AND CLOSING CASE**

Pursuant to the “Joint Stipulation and Motion for Order Establishing Just Compensation, Granting Possession, Disbursing Funds on Deposit in the Registry of the Court, and Closing Case” (Doc. ____) filed by the United States of America (“United States”) and the undersigned Defendants, Herbert Timothy Frazier, Cheryl A. Frazier Williams, and Carolyn L. Frazier, Independent Executrix of the Estate of Robert D. Frazier (collectively, hereafter “Party Defendants”), it is hereby **ORDERED** and **ADJUDGED** that:

1. Party Defendants, Herbert Timothy Frazier, Cheryl A. Frazier Williams, and Carolyn L. Frazier, Independent Executrix of the Estate of Robert D. Frazier are entitled to full and just compensation payable by the United States for the taking of Tract RGV-BRP-1007, which shall be the sum of eight thousand, four hundand 00/100 dollars (\$8,400.00) plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by the Party Defendants against the United States for the institution and prosecution of the above-captioned action.

2. Judgement shall be and is hereby entered against the United States in the amount of eight thousand, four hundred and 00/100 dollars (\$8,400.00) plus any accrued interest for the taking of Tracts RGV-BRP-1007.
3. On June 11, 2008, the United States deposited a check in the amount of eight thousand four hundred and 00/100 dollars (\$8,400.00) into the Registry of the Court¹ and upon said deposit, title to Tract RGV-BRP-1007 vested in the United States by operation of law.
4. On July 1, 2008, the Court granted the United States immediate possession and use of the Subject Property.² Per the Parties' request that the United States be found entitled to immediate possession of the estate condemned in Schedule "EE" of the Amended Complaint and ADT to the extent not previously granted by the Court in Tract RGV-BRP-1007³, all persons in possession or control of the interests taken in Tract RGV-BRP-1007 are hereby **ORDERED** to surrender possession of same to the United States.
5. The stipulated just compensation remains on deposit in the Court's Registry. The Clerk of Court is **ORDERED** to disburse the total sum of **eight thousand, four hundred and 00/100 dollars (\$8,400.00), along with any accrued interest earned thereon while on deposit**, as follows:
 - 1) **\$2,800.00** shall be payable by check to **Herbert Timothy Frazier**, with accrued interest from date of deposit.
 - 2) **\$2,800.00** shall be payable by check to **Cheryl A. Frazier Williams**, with accrued interest from date of deposit.

¹ Dkt. No. 4 at 1.

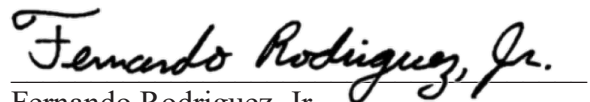
² Dkt. Nos. 5 & 6.

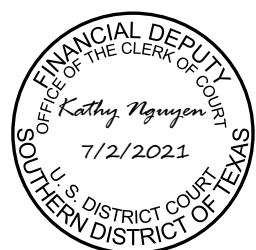
³ See Schedule "EE," Dkt. Nos. 11 & 12.

- 3) **\$2,800.00** shall be payable by check to **Carolyn L. Frazier**, with accrued interest from date of deposit.
6. Party Defendants warrant they were the owners of the Subject Property taken in this proceeding on the date of taking; (b) they have the exclusive right to the compensation, herein; excepting the interests of parties having liens, leases, encumbrances of record, and unpaid taxes and assessments, if any; and (c) that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
7. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this proceeding, Party Defendants shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit, to the date of repayment into the Registry of the Court.
8. Party Defendants shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.
9. There being no other outstanding taxes or assessments due or owing, Party Defendants are responsible for the payment of any additional taxes or assessments which they otherwise owe on the interest in the property taken in this proceeding on the date of taking.
10. Party Defendants shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.

11. Party Defendants shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interest in the property taken in this proceeding on the date of taking.
12. This agreed order is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Party Defendants.
13. All issues have been resolved as to Tract RGV-BRP-1007 accordingly, the claims and interests of Party Defendants and named Defendants Luciano Ortiz, Unknown Heirs or Devisees of Luciano Ortiz Trevino, Luciano Ortiz Cantu, Unknown Heirs or Devisees of Luciano Ortiz Cantu, Maria Ortiz Cantu, Unknown Heirs or Devisees of Maria Ortiz Cantu, Estefana Ortiz Cantu, and Unknown Heirs or Devisees of Estefana Ortiz Cantu are hereby **resolved and there are no further issues to consider in this matter**. The Clerk of the Court is **ORDERED** to close this case.

SIGNED this 12th day of July, 2021.


Fernando Rodriguez, Jr.
United States District Judge



AGREED AS TO FORM AND SUBSTANCE:

FOR DEFENDANTS:


HERBERT TIMOTHY FRAZIER

Grapevine, TX
Defendant

CHERYL A. FRAZIER WILLIAMS

Seguin, TX
Defendant

CAROLYN L. FRAZIER
*Independent Executrix of the
Estate of Robert D. Frazier*

Fort Worth, TX
Defendant

FOR PLAINTIFF:

JENNIFER B. LOWERY
Acting United States Attorney
Southern District of Texas

By: _____

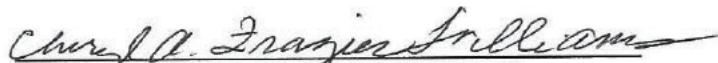
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Attorney-in-Charge for Plaintiff

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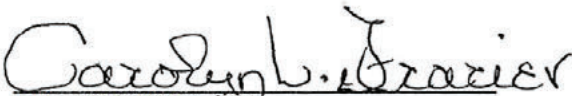
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